

95. (new) The food of Claim 91, wherein the solvent is acetone and water, methanol and water, or ethyl acetate.

96. (new) The food of Claim 95, wherein the solvent is acetone and water.

97. (new) The food of Claim 88, wherein the cocoa extract is partially purified by gel permeation chromatography and/or high pressure liquid chromatography.

98. (new) The food of Claim 97, wherein the partially purified cocoa extract is a xanthine-alkaloid free cocoa extract.

99. (new) A food comprising a synthetic cocoa procyanidin additive selected from the group consisting of oligomers of epicatechin and catechin and mixtures thereof with epicatechin and/or catechin.

#### REMARKS

##### Claims 81, 82, 83, 84 and 99

Support for a food composition comprising "a cocoa polyphenol additive" (Claim 81), "an isolated cocoa polyphenol as a food additive" (Claim 83), and "synthetic cocoa procyanidin additive" can be found at page 41, lines 17-22, where "cocoa extracts containing procyanidins" are suggested for use "as an antioxidant and/or food additive". See also the discussion at page 3, line 35 to page 4, line 12 regarding the cocoa extracts or synthetic cocoa polyphenols comprising cocoa procyanidins. Support for isolation of the cocoa procyanidins can be found in Example 2 "Procyanidin Extraction Procedures" and Example 3 "Partial Purification of Cocoa Procyanidins". Support for synthetic procyanidins can be found in Example 11 as well as in the discussion of synthetic cocoa polyphenols or procyanidins at page 14, lines 17-20.

#### Claims 85, 86, and 87

Support for the cocoa extract containing "a mixture of cocoa procyanidins" (Claim 85), for the cocoa procyanidins being "selected from the group consisting of monomers and oligomers of catechin and epicatechin" (Claim 86), and "for the oligomers including "dimers through dodecamers" (Claim 87) can be found in Table 3 where the monomers and oligomers up to the dodecamers were identified, as well as Figures 2A and 2B where epicatechin, catechin, and various procyanidin oligomers are shown.

#### Claim 88

Support for isolation of the cocoa procyanidins as a cocoa extract can be found in Example 2 "Procyanidin Extraction Procedure".

#### Claims 89 and 90

Support for the fractionation of the cocoa extract may be found in Example 3 "Partial Purification of Cocoa Procyanidins". Specifically, see the reported fractions in the table on page 20. Support for "pooled" fractions can be found in Figs. 11A to 11H, 12A to 12H, and 13A to 13H, where fractions A, B, C, D, and E were tested as well as pooled fractions A+E, B+E, and C+E.

#### Claim 91

Support for solvent extraction of defatted cocoa beans can be found in Example 2 "Procyanidin Extraction Procedure".

Claims 92, 93, and 94

Support for the use of "unfermented cocoa beans" can be found in Example 2. Support for the use of "partially fermented cocoa beans" and "fermented cocoa beans" can be found in Fig. 15L where the cells Hela were "...treated with crude polyphenol extracts obtained from fermented cocoa beans and dried cocoa beans (stages throughout fermentation and sun drying;...".

Claims 95 and 96

Support for the solvents being "acetone and water" or "methanol and water", or "ethyl acetate" may be found at page 16, lines 17-20 and lines 25-26.

Claim 97

Support for "purification by gel permeation chromatography and/or high pressure liquid chromatography" can be found in Example 3.


Claim 98

Support for "a xanthine-alkaloid free extract can be found in Example 3, Part A at page 18, lines 5-10.

Entry of this Amendment and consideration of the claims is respectfully requested. No new matter is presented.

Respectfully submitted,

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